

## Briefing Note

# An Bord Pleanála Planning Casework Summary Review for 2019

An Bord Pleanála has published an end-of-year summary of casework statistics for 2019. Highlights are as follows:

- Total case intake was up 7% to 2,938 cases in 2019, compared to 2,734 in 2018.
- The number of cases decided was up 4%, with 2,972 cases decided in 2019 versus 2,848 in 2018.
- Over two-thirds of normal planning appeals (69%) were disposed within the 18-week statutory objective period (SOP) during 2019, compared with 39% SOP compliance in 2018.
- Having cleared the significant backlog of cases that arose during 2018, the average number of weeks to decide normal appeal cases was 18.4 weeks in 2019, down from the 2018 average of 22.4 weeks, and just marginally over the target of 18 weeks.
- 118 valid applications for strategic housing developments (SHD) were received during 2019, up from 38 applications in 2018.
- 82 SHD cases were disposed during 2019, with 67 developments granted permission to provide for 16,771 housing units, 200 shared accommodation bed spaces and 4,331 student bed-spaces.
- 26 Strategic Infrastructure Development (SID) Application cases were received during 2019, 6 more than the 20 cases lodged during 2018, and 21 cases were decided in 2019.

- 38 SID pre-application consultation requests were received during 2019, with 41 decisions made last year as to whether the proposed developments fall within the SID process or not. 15 of these 41 cases were determined to qualify as SID proposals.

## **Planning Casework and Performance**

In 2019, there continued to be an upward trend in the number of planning cases received and decided. Total case intake was up 7% to 2,938 from 2,734 in 2018. The total number of cases decided in 2019 was 2,972, up 4% on the 2,848 cases decided in 2018. (see Figures 1 and 2).

### **Planning Appeals**

Planning appeals accounted for 71% (2,076 cases) of all case intake in 2019, up 2% on the 2,028 normal appeals received in 2018. A total of 2,115 appeals were decided in 2019, down marginally on the 2,159 case disposals in 2018. Such appeals arise from decisions by planning authorities on applications for planning permission.

65% of all appeals related to residential development which range in scale from home improvements to single and multi-unit accommodation proposals (see breakdown in Figure 4).

A key measure of how An Bord Pleanála is performing and meeting its statutory requirements is assessing compliance with the statutory objective period (SOP) of 18 weeks to decide normal planning appeals (NPAs), and examining the average time it takes to dispose of appeal cases.

For normal planning appeals, compliance with the statutory objective period (SOP) of 18 weeks to decide these cases was up from 39% in 2018 to 69% in 2019, which was at the upper end of our 60%-70% target range set back in January. It should be noted that the NPA disposal rate for December 2019 was 82%.

While the Board achieved compliance with the 18-week target in almost 70% of cases during 2019, it should also be noted that the average number of weeks for dealing with normal planning appeals was 18.4 weeks, on average just 3 days over the SOP target, which was a remarkable achievement, having worked through and cleared the majority of the case backlog during the first half of the year.

Dave Walsh, An Bord Pleanála Chairperson, welcomed the end-year results and the organisation's key role in facilitating swift decisions on appeals and strategic cases.

“Taking account of the concerted efforts by An Bord Pleanála staff and Board members to clear the case backlog in late 2018 and early 2019, reaching 69% compliance for the year was a phenomenal performance and demonstrates the commitment, capacity and expertise across the entire organisation to be able to return to acceptable compliance levels. The challenge now is to maintain this strong performance, while also exploring how we can further streamline processes and improve our communication and interaction with everyone who engages with us.”

### **Strategic Housing Developments**

Since the enabling legislation came into effect in July 2017, applications for planning permission for strategic housing developments (100+ housing units and 200+ student bed-spaces) have been made directly to An Bord Pleanála. By the end of December 2019, 168 valid applications for strategic housing developments had been received by the Bord, with 118 of those being received during 2019 (a tripling of application intake over 2018).

82 valid applications were decided in 2019, with permission refused for 15 cases and permission granted in 67 cases for a total of 16,771 residential units (4,327 houses and 12,444 apartments), 200 shared accommodation bed spaces and 4,331 student bed spaces. The mandatory timeline of 16 weeks (or 24 weeks for cases where an

oral hearing is held) to decide strategic housing applications was met for all decisions issued.

Mr. Walsh added:

“Notwithstanding a tripling of the number of strategic housing applications received by An Bord Pleanála, we have been able to maintain 100% compliance with the statutory timelines set down in legislation. The granting of 67 permissions during 2019 has made a significant contribution to meeting the overall increasing demands for new homes, with a notable increase in the number of apartment and multi-unit developments being granted permission in our cities and larger towns. This level of applications is expected to continue into 2020, taking in account the number of pre-application consultations being held and requested, and An Bord Pleanála will continue to prioritise these cases and deal with any large-scale housing appeals as swiftly and efficiently as possible.”

Following the completion of an independent review of the SHD process commissioned by the Minister for Housing, Planning and Local Government in Autumn 2019, the Minister concluded that there were sufficient grounds to extend the SHD provisions for a further two years to end-December 2021, at which time the SHD fast-track arrangements would cease, and the enabling Order was signed in December 2019.

Separate to the strategic housing planning applications submitted and determined by the Bord, the SHD statutory provisions also provide for the holding by An Bord Pleanála of pre-application consultations with the prospective applicant and the relevant planning authority. By the end of December 2019, 151 valid pre-application consultations have been made to An Bord Pleanála. In 2019, 150 pre-application consultations were formally disposed.

By the end of December 2019, 15 alteration requests to previously permitted strategic housing developments have been made to An Bord Pleanála, with 9 alteration requests formally disposed last year.

### **Strategic Infrastructure Development**

Since legislative provisions for direct applications for strategic infrastructure developments (SIDs) became operative in 2007, a total of 298 Strategic Infrastructure Development applications have been made to An Bord Pleanála. During 2019, 26 applications were received (up 30% on 2018) and 21 strategic infrastructure cases were decided last year. Among the major cases decided in 2019 were new wastewater treatment plants (WWTP) at Arklow and Clonshaugh, as well as an expansion of the Ringsend WWTP, expansion of Foynes Port, and a number of windfarms in Galway and Donegal.

In addition to the above cases, a number of significant Local Authority projects were decided by the Board in 2019 including the Parnell Square Cultural Quarter comprising a new Dublin City Library, the River Suir sustainable transport bridge in Waterford City, the Glenamuck District Road scheme in Dun Laoghaire-Rathdown, and the N5 and N16 road projects in Roscommon and Sligo respectively.

While the Bord was able to comply with the relevant statutory objective period for this category of application in one-third of the 21 cases decided, the fact that decisions on the remaining cases took longer to decide than the target reflects the level of complexity of cases and the fact that additional time is often required for these large-scale and strategic cases to conduct hearings, to consult with and circulate information to all participants and to consider further information before making a decision.

In relation to pre-application consultations on potential Strategic Infrastructure (SI) applications, a total of 38 pre-application consultation requests were received during

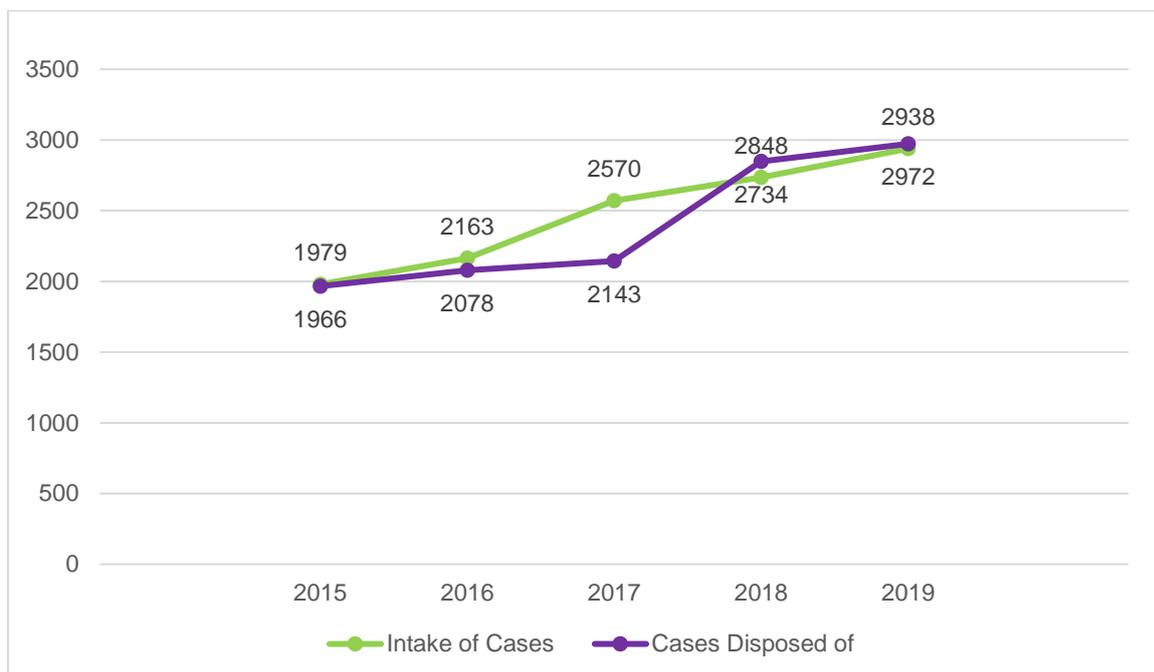
2019 and 41 such consultations were concluded last year. Of the 41 cases concluded, 15 were determined to qualify as strategic infrastructure developments, with applications for these proposed developments to be submitted to An Bord Pleanála for determination. Of the remaining 26 cases, 15 did not fall within the SI classification and can be submitted in the first instance to the relevant planning authority for consideration, 9 were withdrawn, 1 consultation closed and 1 was deemed to be invalid.

An Bord Pleanála undertook a review of the operation of aspects of the strategic infrastructure development process during 2019, focussing on streamlining and clarifying the pre-application consultation process and the conducting of oral hearings. Arising from this work and having regard to the likely increase in major proposed infrastructure projects under the National Development Plan, the Bord will be looking to improve how these critical aspects of the SID process operate and ensure that we are operating as efficiently as possible to facilitate robust and swift decisions.

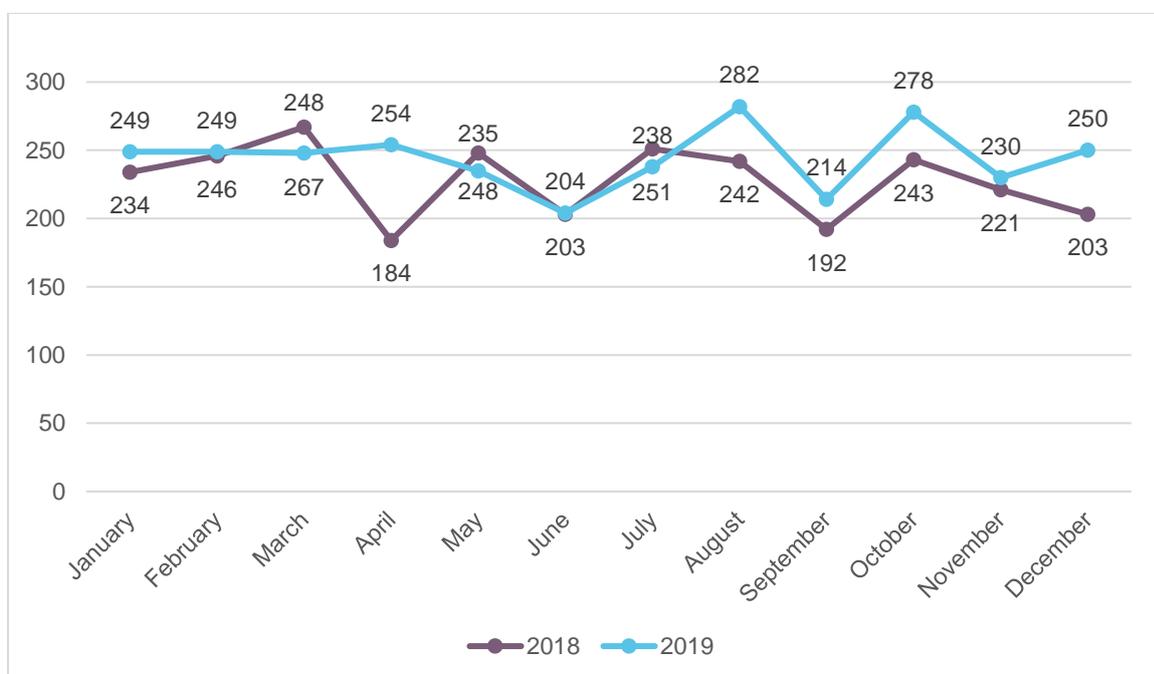
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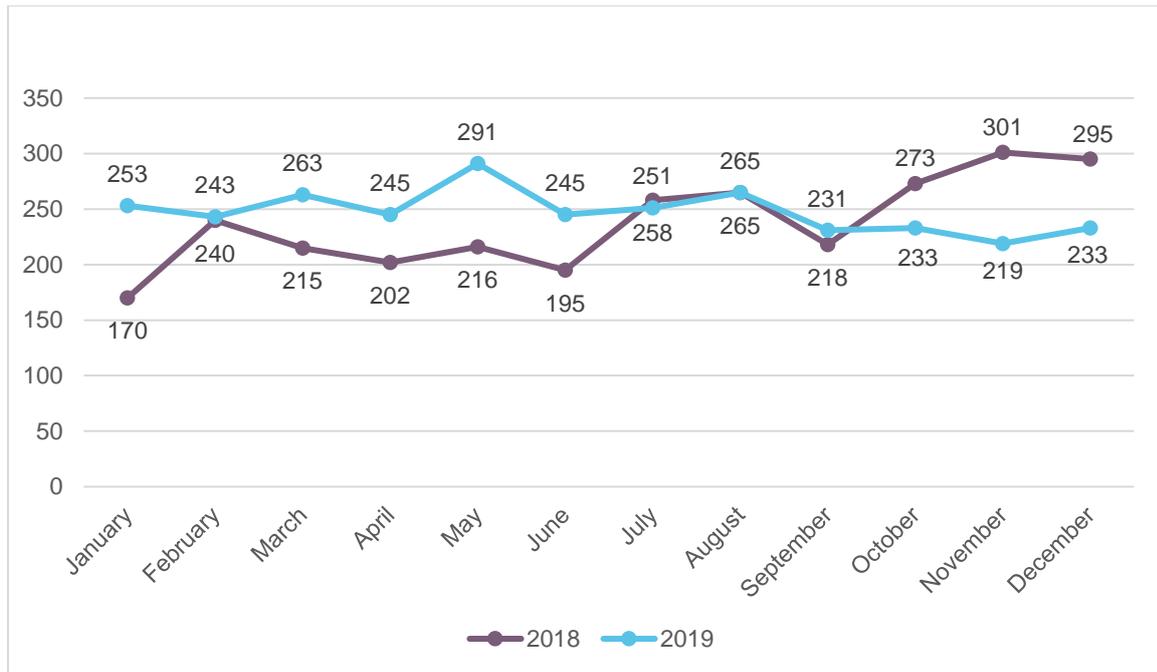
**Figure 1: All Planning Cases Intake and Disposed of (Decided) 2015 - 2019**



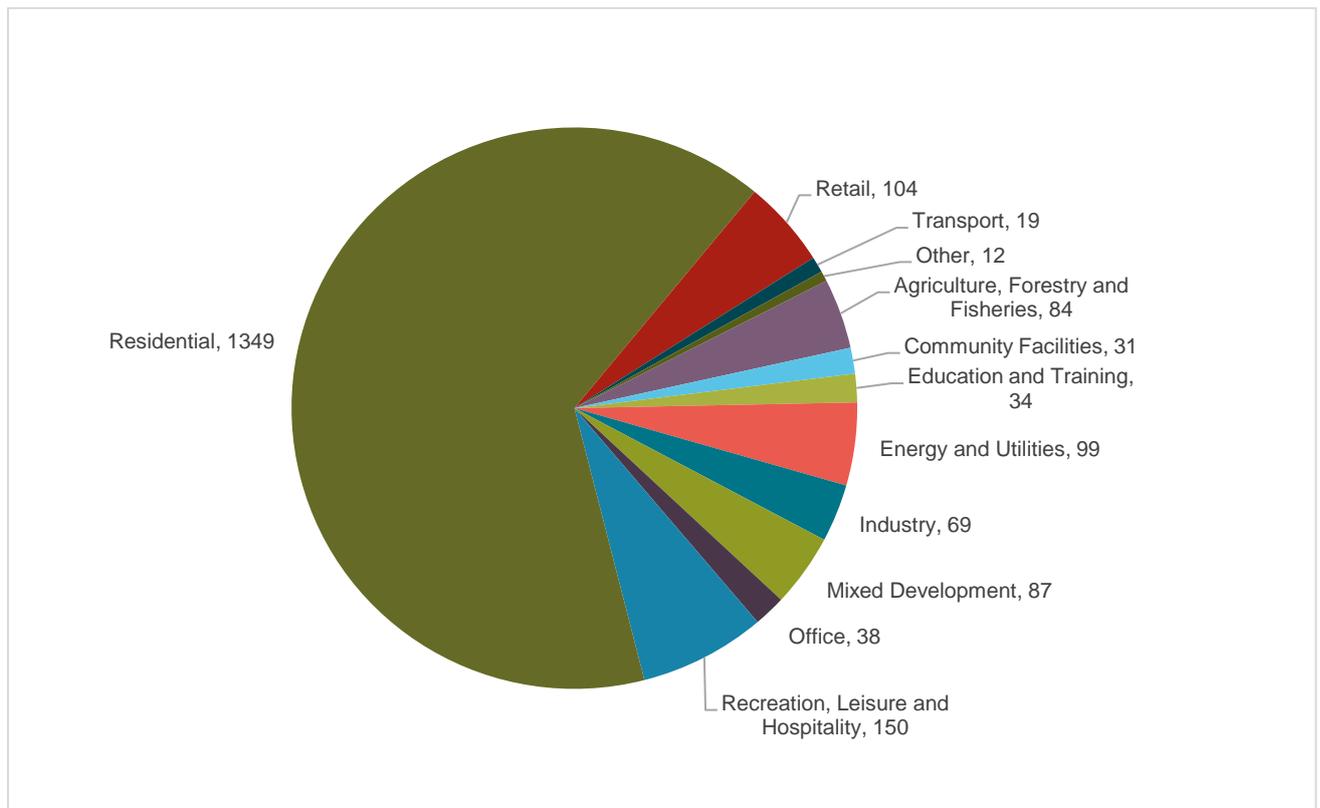
**Figure 2: All Planning Cases Intake 2018 v 2019**



**Figure 3: All Planning Cases – Disposed of 2018 v 2019**



**Figure 4: Normal Planning Appeals Received 2019 by Development Type (2,076 cases)**



**Figure 4.1: Normal Planning Appeals breakdown of Residential Type Received 2019 (1,349 cases)**

